

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

v.

12 HUMBERTO LOPEZ RODRIGUEZ and
13 CARLOS CARRILLO LOPEZ,

14 Defendants.

CASE NO. CR20-0107-JCC

ORDER

15 This matter comes before the Court on Defendant Carlos Carillo Lopez's unopposed
16 motion to continue the trial date and the pretrial motions deadline (Dkt. No. 141). Trial is
17 currently scheduled for December 13, 2021, and the pretrial motions deadline was November 1,
18 2021.

19 Defendant argues that proceeding with trial on December 13, 2021 will likely result in
20 injustice because he has not had adequate time to prepare for trial based on the charges contained
21 superseding indictment. (Dkt. No. 141 at 1–2.). They include counts related to possession with
22 intent to distribute and the distribution of controlled substances, as well as firearms crimes. (*See*
23 Dkt. No. 114.) If convicted of these crimes, Defendant faces a mandatory minimum sentence of
24 15 years. (Dkt. No. 141 at 1–2.) Additionally, defense counsel was only appointed July 23, 2021,
25 (*see* Dkt. No. 133), and recently filed a motion to withdraw and for substitution of counsel. (Dkt.
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1 No. 143.) Further, counsel indicates while the parties have yet to reach an agreement, additional
2 time may result in the case being resolved short of trial. (Dkt. No. 141 at 2.) Finally, the Court
3 understands that Defendant Lopez Rodriguez does not oppose the motion, as confirmed by his
4 filing of a speedy trial waiver through April 30, 2022. (Dkt. No. 146.)

5 Having thoroughly considered the motion, the relevant record, the Court hereby FINDS:

6 1. Taking into account the exercise of due diligence, a failure to grant a continuance
7 in this case would deny defense counsel the reasonable time necessary for effective preparation
8 due to counsel's need for more time to review the evidence, consider possible defenses, and
9 gather evidence material to the defense, as set forth in 18 U.S.C. § 3161(h)(7)(B)(iv);

10 2. Given the seriousness of the charges, the relatively recent appointment of defense
11 counsel, and the possibility of substitution of counsel in the near future, failure to grant such a
12 continuance in this proceeding would likely result in a miscarriage of justice, as set forth in 18
13 U.S.C. § 3161(h)(7)(B)(i); and

14 3. The additional time requested between the current trial date of December 13,
15 2021, and the new trial date is necessary to provide defense counsel the reasonable time
16 necessary to prepare for trial, to investigate the matter, and to negotiate with the Government,
17 based on the facts set forth above.

18 For the foregoing reasons, the Court GRANTS the motion to continue the trial date and
19 pretrial deadlines (Dkt. No. 141) and ORDERS:

- 20 1. The December 13, 2021 trial date is CONTINUED to April 4, 2022.
21 2. The November 1, 2021 pretrial motions deadline is CONTINUED to February 28, 2022.
22 3. The time period between the date of this order until and the new trial date is an
23 excludable time period under the Speedy Trial Act pursuant to 18 U.S.C.
24 § 3161(h)(7)(A).

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1 DATED this 23rd day of November 2021.
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John C. Coughenour

5 John C. Coughenour
6 UNITED STATES DISTRICT JUDGE
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